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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,903	10/19/2001	Manoel Tenorio	020431.0954	8331

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EXAMINER	
BADII, BEHRANG	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,903	TENORIO, MANOEL	
	Examiner	Art Unit	
	Behrang Badii	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 October 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 October 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/13/04.*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 have been examined.

Priority

2. Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1, 6, 7, 8, 13, 14, 15, 20, 21 and 22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, 4, 5, 10, 11, 21, 22, and 32 of copending Application No. 10/032945. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

5. Claims 1, 8, 15 and 22, are rejected under double patenting. Application No. 10/032945 (claims 1, 10, 21 and 32) discloses

- one or more databases operable to store product data for one or more products;
- a master global content directory including a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases;
- a search interface operable to communicate a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers.
- receiving a selection of a product class from the user, the product class having at least one class pointer identifying at least one product class in the master global content directory; and
- in response to the selection of the product class by the user, communicating a search query to one or more databases.

Application No. 10/032945 (claims 1, 10, 21 and 32) does not disclose providing a plurality of users access to the master global content directory through one or more secondary content directories, the secondary content directories comprising one or more product classes, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is

mapped. It would have been obvious to modify Application No. 10/032945 (claims 1, 10, 21 and 32) to include providing a plurality of users access to the master global content directory through one or more secondary content directories, the secondary content directories comprising one or more product classes, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped such as that claimed by the present application, (Application No. 10/032903 (claims 1, 8, 15, 22)), in order to better meet the user's requirement.

6. Claims 6, 13 and 20, are rejected under double patenting. Application No. 10/032945 (claims 4, 11, and 22) discloses one or more of the product pointers identify particular product data in one or more of the databases.

7. Claims 7, 14 and 21, are rejected under double patenting. Application No. 10/032945 (claim 5) discloses a search query which comprises desired values, specified by the user, for one or more of the product attributes associated with the selected product class. Application No. 10/032945 (claim 5) does not disclose, specified by the user of one of the secondary content directories. It would have been obvious to modify Application No. 10/032945 (claim 5) to include, specified by the user of one of the secondary content directories, such as that claimed by the present application, (Application No. 10/032903 (claims 7, 14, and 21 in order to better enable the users to search from a different level in the hierarchy.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 3, 4, 5, 8, 10, 11, 9, 12, 15, 17, 18, 16, 19 and 22 are rejected under 35 U.S.C. 102(a) as being anticipated by Van Huben et al., U.S. patent 6,094,654.

9. As per claims 1, 8, 15, and 22, Van Huben et al. discloses An electronic commerce system, method, and software for generating, updating, and managing multi-taxonomy environments, the system comprising:

- one or more databases operable to store product data for one or more products (Abstract, lines 8-16;
- a master global content (primary) directory including a plurality of product classes organized in a hierarchy, each product class categorizing a plurality of products and associated with one or more attributes of the products categorized in the product class, at least one of the product classes having one or more associated product pointers that identify one or more of the databases (col. 32, lines 30-40);

- one or more secondary content directories (sub-directory, secondary directory) including one or more product classes, each product class being mapped to one or more product classes in the master global content directory and having one or more associated class pointers that identify the one or more product classes in the master global content directory to which the product class is mapped (col. 32, lines 20-60); and
- a search interface operable to communicate a search query to one or more of the databases to search product data stored in the databases identified by one or more of the product pointers (col. 17, lines 65-67; col. 18, lines 1-58)
- receiving a selection of a product class from the user, the product class having at least one class pointer identifying at least one product class in the master global content directory (col. 17, lines 65-67; col. 18, lines 1-58) ; and
- in response to the selection of the product class by the user, communicating a search query to one or more databases. (col. 17, lines 65-67; col. 18, lines 1-58).

10. As per claims 2, 10 and 17 Van Huben et al. discloses the secondary content directories (sub-directory, secondary directory) that are personal to one or more users and are organized in a hierarchy satisfying one or more requirements for the users (col. 5, lines 21-33).

11. As per claims 3, 11 and 18 Van Huben et al. discloses a class pointer identifying a product class in the master global content (primary) directory also

inherently identifies all product classes under the product classes in the hierarchy (sub-directories) of the master global content (primary) directory (col. 5, lines 1-6).

12. As per claims 4, 9 and 16 Van Huben et al. discloses the search interface which is further operable to:

- receive the selection of a product class of a secondary content directory from a user of the secondary content directory (col. 107, lines 58-66);
- receive one or more search parameters for a product from the user (col. 20, lines 36-49);
- determine the product classes in the master global content (primary) directory identified by the class pointers (identifier) in the selected product class (col. 138, lines 1-16);
- determine the databases identified by product pointers (identifier) in the determined product classes of the master global content (primary) directory (col. 137, lines 46-54) and
- communicate a search query having the search parameters to the determined databases (col. 122, lines 29-45).

13. As per claims 5, 12 and 19 Van Huben et al. discloses providing a plurality of users access to the master global content (primary) directory through one or more secondary content (sub-directory, hierarchy) directories comprises determining access to the master global content (primary) directory by which product classes in the master global content (primary) directory are identified by

class pointers (identifier) associated with the product classes in a secondary content (sub-directory, hierarchy) directory (col. 32, lines 13-56).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claim 6, 13, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al. as applied to claim 1, 8 and 15 above, and further in view of Classen, U.S. patent application publication 2001/0020240 A1.

16. As per claims 6, 13 and 20 Van Huben et al. discloses an electronic commerce system for generating, updating, and managing multi-taxonomy environments (abstract, line 8-16; col. 32, lines 30-40; col. 32, lines 20-60; col. 17, lines 65-67 and col. 18, lines 1-58) as described above. Van Huben et al. does not disclose one or more of the product pointers identifying particular product data in one or more of the databases. Classen discloses one or more of the product pointers (identifier) identifying particular product data in one or more of the databases (abstract, lines 1-20). It would have been obvious to modify Van Huben et al. to include one or more of the product pointers (identifiers) identifying particular product data in one or more of the databases such as that taught by Classen in order to make future searches faster since the product data

is better organized therefore cutting down on the time the program takes to look for the product data.

17. Claims 7, 14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Huben et al. as applied to claim 1, 8 and 15 above, and further in view of Davis et al., U.S. Patent 6,269,361.

18. As per claims 7, 14 and 21 Van Huben et al. discloses an electronic commerce system for generating, updating, and managing multi-taxonomy environments (abstract, line 8-16; col. 32, lines 30-40; col. 32, lines 20-60; col. 17, lines 65-67 and col. 18, lines 1-58) as described above. Van Huben et al. does not disclose the search query comprising desired values, specified by the user of one of the secondary content (sub-directory or hierarchy) directories, for one or more of the product attributes associated with a selected product class. Davis et al. discloses the search query comprising desired values, specified by the user of one of the secondary content (sub-directory or hierarchy) directories, for one or more of the product attributes associated with a selected product class (col. 2, lines 26-35). It would have been obvious to modify Van Huben et al. to include the search query comprising desired values, specified by the user of one of the secondary content (sub-directory or hierarchy) directories, for one or more of the product attributes associated with a selected product class such as that taught by Davis et al. in order to give the user more control over searches done by the user.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Huben et al. (U.S. Patent 6,088,693) discloses a data management system for file and database management.

Carter et al. (U.S. Patent 5,987,506) discloses a remote access and geographically distributed computers in a globally addressable storage environment.

Van Huben et al. (U.S. Patent 5,920,873) discloses a data management control system for file and database.

Overend et al. (U.S. Patent 5,379,340) discloses a text communication system.

Wren S C (WO 200161433 A2) discloses System establishing a communications link between central and remote facilities to facilitate commercial transactions has competing central facilities each with a database of available products.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Behrang Badii whose telephone number is 703-305-0530. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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